

REMARKS

In the above-referenced Office Action, the Examiner called Applicants' attention to the fact that the listing of references in the specification is not a proper information disclosure statement. He stated, "37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered." Enclosed herewith is a copy of form 1449 listing the patents referred to in the specification.

Further, the Examiner objected to the drawings, stating, "On page 3, of the amendment, the specification calls for reference number "12" to be a bearing surface area, the drawings do not show this.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application." Enclosed herewith is a proposed drawing correction for the Examiner's approval.

Now turning to the more substantive issues, the Examiner rejected Claims 1-6,10-16 under 35 U.S.C. 103(a) as being unpatentable over Hawthorne et al (US 5,582,307) in view of Kaufhold (US 3,857,495). In support of this rejection the Examiner stated,

"Claims 1, 5-6, 12-16

Hawthorn et al discloses in Figs 1-7 a coupler knuckle casting having an enhanced bearing surface area comprising a tail section (18), a hub section (30) having a pivotable pinhole (16) formed therein with generally straight cylindrical sidewalls, a front face section (24A) connected to said hub section (30), said front face section including a nose section (22) and a pulling face portion (24) formed inwardly from said nose section which includes an enhance bearing (18A) which is substantially arcuate at the corners in a horizontal direction, and a transition section (12) joining said tail section (18) to said hub section (30), said transition section including a top metal section (68) and a bottom metal section (70) extending toward each other, wherein said nose section (22) includes a generally cylindrical opening (36) formed in an end portion thereof, see column 3, lines 26-34, column 5, lines 10-15.

Hawthorne et al disclose all of the features as listed above but fail to disclose a coupler knuckle having a substantially flat portion disposed substantially in a vertical

direction and extending for a predetermined distance in a vertical direction in at least a portion of the nose section. The general concept of providing a substantially flat portion disposed substantially in a vertical direction extending for a predetermined distance in a vertical direction in at least a portion of the nose section of a coupler knuckle is well known in the art as illustrated by Kaufhold, see figs. 1-10, abstract section. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hawthorn to include the use of a substantially flat portion disposed substantially in a vertical direction and extending for a predetermined distance in a vertical direction in at least a portion of the nose section and the front face portion of a coupler knuckle as taught by Kaufhold in order to prevent formation of an overturning moment force on the coupler knuckle during coupling.

Claims 2-4, 10-11

Regarding using a substantially flat portion extending in the vertical direction in a range between about 3.5 to 7.0 inches, or a range between about 4.0 to 5.5 inches, and an enhanced bearing surface area hardened to at least about 40 Rockwell C as recited in claims 2-4, 10-11, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hawthorne et al to include the use of a substantially

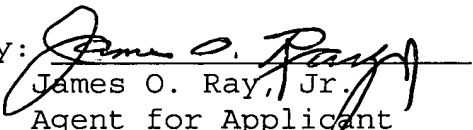
flat portion extending in the vertical direction in a range between about 3.5 to 7.0 inches, or a range between about 4.0 to 5.5 inches, and an enhanced bearing surface area hardened to at least about 40 Rockwell C in his advantageous system, as knuckle engagement surface design is a common and everyday occurrence throughout the coupler knuckle design art and the specific use of a substantially flat portion extending in the vertical direction in a range between about 3.5 to 7.0 inches, or a range between about 4.0 to 5.5 inches, and an enhanced bearing surface area hardened to at least about 40 Rockwell C would have been an obvious matter of mechanical expediency depending upon such factors as the loading imposed on the knuckle, the allowable lateral displacement between the coupler, the yield strength of the side knuckle material; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the knuckle which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria."

Applicants have amended independent Claims 1, 13 and 15 to include the subject matter of Claim 7 which the examiner indicated as allowable and cancelled Claims 7-9. Therefore, the Examiner is respectfully requested to withdraw his rejection of claims 1-6 and 10-16 as being unpatentable under 35 U.S.C.

103(a) over Hawthorne et al (US 5,582,307) in view of Kaufhold (US 3,857,495).

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412)380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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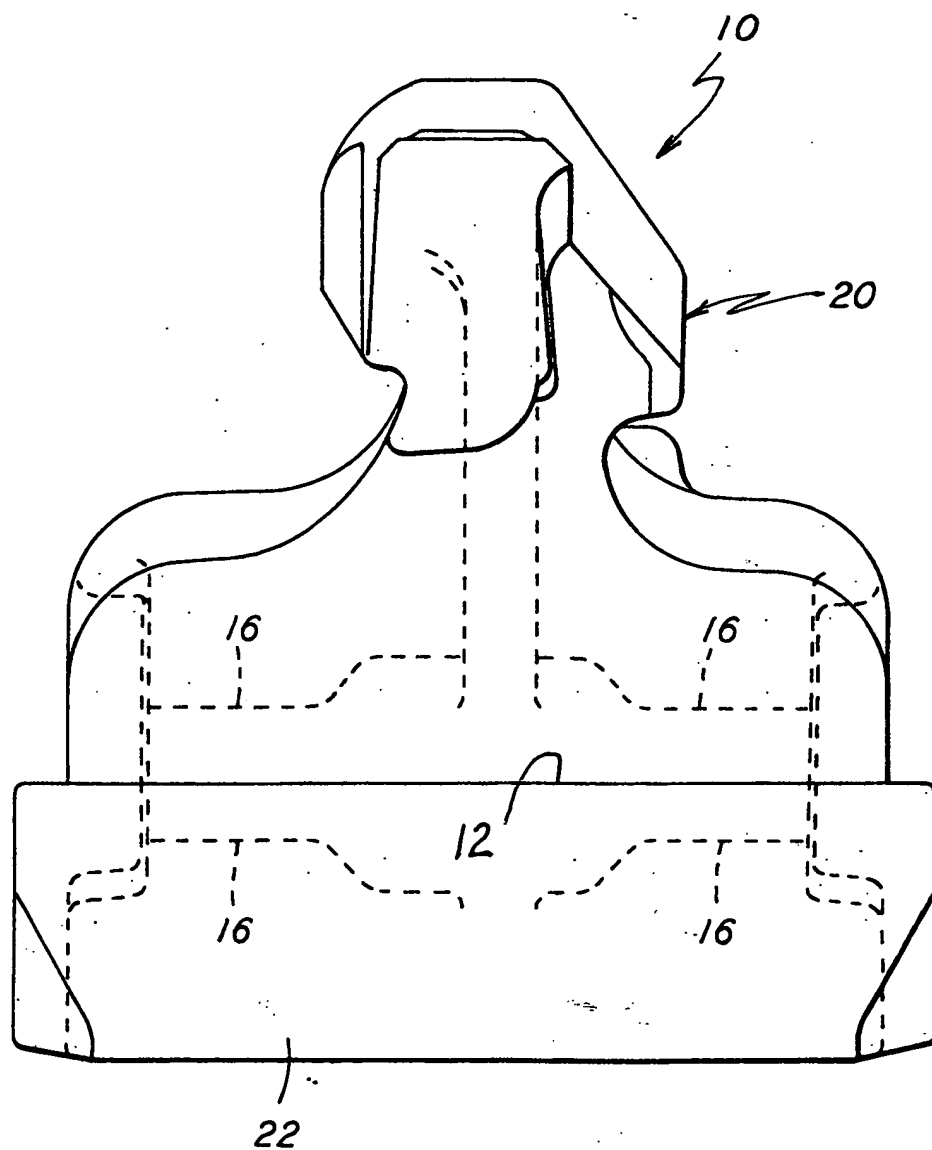


FIG. 2